HONOURABLE SMT. JUSTICE T.MEENA KUMARI

WRIT PETITION No:15777 OF 1998

Dated: 12.7.2006

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Between:

K. Yella Reddy ..Petitioner

And

1. The Divisional Forest Officer,
   Atmakur, Kurnool District and others. ..Respondents.

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI

WRIT PETITION No:15777 OF 1998

ORDER:

This writ petition is filed seeking a direction in the nature of writ of Mandamus, declaring the action of the 1st respondent in seizing the tractor bearing No.AP-02T-6407 and trailor bearing No.AP-2T-6409 belonging to the petitioner as illegal and arbitrary.

It is the case of the petitioner that he is the owner of the tractor and trailor. Pursuant to the tender notification issued by the 2nd respondent for construction of Velugodu Balancing Reservoir, one K. Subba Reddy became the lowest bidder and the contract was awarded to him. The said contractor engaged the tractor of the petitioner for transporting the material. While so, the Forest Range Officer, Velugodu has seized the tractor with trailor on the ground that the vehicles have been used for transportation of metal from reserved forest area. In spite of his representation, no orders have been passed releasing the vehicles. Hence, the writ petition.

The learned Counsel for the petitioner contends that the vehicle of the petitioner has been seized while transporting the material meant for construction of the Velugodu reservoir and the Government itself authorized the contractor to transport the metal from the shore and therefore, the seizure of the vehicle of the petitioner is illegal.

On the other hand, the learned Government Pleader for Forests contends that as the petitioner is illegally quarrying and transporting the rough stone from the Reserve Forest without any permission, the tractor and trailor were seized.

While admitting the writ petition, this Court has issued an interim direction for release of the vehicle in question. Having regard to the above facts and circumstances of the case and also in view of the interim direction issued by this Court, nothing survives for adjudication in this writ petition. However, the petitioner is at liberty to make a representation bringing the facts as to the permission to transport the material, to the notice of the 1st respondent within a period of six

weeks from the date of receipt of a copy of this Order and on such representation, the 1st respondent is directed to dispose of the same within a period of three months.

Subject to the above direction, the writ petition is disposed of. No costs.

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Justice T. Meena Kumari

Date: 12th July, 2006
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENAKUMARI

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CIVIL REVISION PETITION No:744 OF 2005

28.1.2006